

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Quintin Littlejohn,)	
also known as)	
Quintin M. Littlejohn)	C.A. No. 6:10-cv-02904-JMC
Petitioner,)	
)	
v.)	ORDER
)	
Patrick B. Harris Hospital and NFN Fletcher)	
)	
Respondents.)	
_____)	

The Petitioner, proceeding *pro se*, is now a patient at the Patrick B. Harris Psychiatric Hospital in Anderson, South Carolina. Petitioner is challenging an order issued by the Honorable Joshua L. Queen, Probate Judge, which committed Petitioner to the South Carolina Department of Mental Health for mental health treatment. Petitioner alleges that his family members sought his commitment because of a property dispute. In addition to habeas corpus relief, Petitioner also seeks a declaratory judgment and \$500,000 in cash. The Magistrate Judges's Report and Recommendation [Doc. #9], filed on November 17, 2010, recommends that the court dismiss the said petition without prejudice and without requiring the respondents to file an answer or return. The Report and Recommendation sets forth in detail the relevant facts and legal standards in this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objections are made, and the court

may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Petitioner was advised of his right to file objections to the Report and Recommendation [Doc. # 4 at 4]. However, Plaintiff filed no objections to the Report and Recommendation.

In the absence of objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation [Doc. # 9] and incorporates it herein. It is therefore **ORDERED** that this petition be dismissed without prejudice and without requiring the respondents to file an answer or return.

IT IS SO ORDERED.

s/ J. Michelle Childs
United States District Judge

Greenville, South Carolina
January 4, 2011